

EXHIBIT 9

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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IN RE GOOGLE PLAY STORE Case No.
ANTITRUST LITIGATION 3:21-md-02981-JD

THIS DOCUMENT RELATES TO:

Epic Games Inc. v. Google LLC,
et al.,
Case No. 3:20-cv-05671-JD

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REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF
DOUGLAS BERNHEIM
Thursday, April 6, 2023

Reported By: Lynne Ledanois, CSR 6811

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Thursday, April 6, 2023

9:05 a.m.

THE VIDEOGRAPHER: Good morning. We're going on the record at 9:05 a.m. And audio and video recording will continue to take place unless all parties agree to go off the record.

This is Media Unit 1 of the video-recorded deposition of Douglas Bernheim taken by counsel for the defendant in the matter of In Re Google Play Store Antitrust Litigation filed in the United States District Court for the Northern District of California, San Francisco Division. Case number is 3:21-md-02981-JD.

My name is Jeffree Anderson representing Veritext and I'm the videographer. The court reporter is Lynne Ledanois from the firm Veritext.

All parties are recorded on the record and you may swear in the witness. Thank you.

DOUGLAS BERNHEIM, Ph.D.,
having been duly sworn, testified as follows:

EXAMINATION

BY MR. MACH:

Q Good morning, Dr. Bernheim.

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1 advance of the deposition starting today, one
2 labeled Exhibit 1117 and one labeled 1118.

3 (Whereupon, Exhibits 1117 and 1118 were
4 marked for identification.)

5 BY MR. MACH:

6 Q Do you see that, sir?

7 A I don't. Hang on a minute.

8 So I'm looking at exclamation,
9 exclamation, marked exhibits. It's in bold here.

10 Over on the right-hand side, I've got that
11 showing and then it says folder is empty.

12 Q If you click on the marked exhibits link
13 again where it has the two exclamation points and
14 we'll see if it refreshes.

15 A It shows that in two different place, but it
16 doesn't refresh regardless of which one I click.

17 MR. MACH: Let's go off the record,
18 please.

19 THE VIDEOGRAPHER: Going off the record.
20 The time is 9:22 a.m.

21 (Recess taken.)

22 THE VIDEOGRAPHER: We're back on the
23 record. The time is 9:24 a.m.

24 BY MR. MACH:

25 Q Welcome back, Dr. Bernheim.

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1 Are you seeing now in the marked exhibits
2 folder what's been marked as Exhibit 1117 and
3 Exhibit 1118?

4 A I am, yes.

5 Q If you would please click on Exhibit 1117.
6 I should probably refer to it as DX1117.

7 Do you recognize this document as the
8 opening expert report you prepared in connection
9 with this litigation?

10 A Well, that's certainly the title page. I
11 don't know whether you want me to flip through it to
12 verify. But it certainly looks like my opening
13 report.

14 Q Well, we will naturally be referring to
15 this on a number of occasions today. If at any time
16 there's anything in this document that appears off
17 to you, I hope you'll let me know.

18 But I will represent to you that we made
19 our best efforts to upload the report as it was
20 served to us with the addition of the exhibit
21 sticker.

22 A Sure.

23 Q Would you please turn with me to
24 Exhibit -- Exhibit DX1118?

25 A Yes.

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1 Q And do you recognize this as the reply
2 expert report that you prepared in connection with
3 this case?

4 A Yes, with the same qualification, it looks
5 like my report.

6 Q Okay. And are these the same documents,
7 as far as you can tell, that you have in paper copy
8 with you today?

9 A They are.

10 Q Okay. And just for your own convenience,
11 if you prefer to refer to the paper copy, will you
12 understand those paper copies to be matches with the
13 electronic versions of the documents that we have in
14 front of us today? I'm just trying to make this as
15 easy as possible for you.

16 A Yes, I assume based on how these procedures
17 work that it's the same document. If it turns out
18 that for some reason we have a mismatch, we'll sort it
19 out and I'll look at the document that you have.

20 Q That makes sense. Thank you very much,
21 Dr. Bernheim.

22 If you would turn with me, please, to
23 Paragraph 10 of your opening report, which is
24 Exhibit DX1117.

25 A Hold on one second, it takes a few seconds

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1 I, LYNNE M. LEDANOIS, a Certified
2 Shorthand Reporter of the State of California, do
3 hereby certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that a record of the proceedings was made by me
7 using machine shorthand which was thereafter
8 transcribed under my direction; that the foregoing
9 transcript is a true record of the testimony given.

10 Further, that if the foregoing pertains to
11 the original transcript of a deposition in a Federal
12 Case, before completion of the proceedings, review
13 of the transcript [] was [x] wasn't requested.

14 I further certify I am neither financially
15 interested in the action nor a relative or employee
16 of any attorney or party to this action.

17 IN WITNESS WHEREOF, I have this date
18 subscribed my name.

19 Dated: April 7, 2023
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21
22
23

Lynne Marie Ledanois

24 _____
LYNNE MARIE LEDANOIS

25 CSR No. 6811